IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Writ Petition No. 1014 of 2006 (M/S)

Sri Arun Sharma
Proprietor Dwarikadhish Enterprises
114 Saharanpur Road
Vijay Raturi Road
Dehradun ... Petitioners

Vs

1. Chief Judicial Magistrate, Dehradun
2. Sri Sunil Dutt Sharma
   Managing Director
   Vaishnav Food India Private Limited
   A-43, Lane No. 2
   New Modern Shahdra, New Delhi
3. Smt. Shashi Bala Sharma
   W/o Sri Sunil Dutt Sharma
   A-43, Lane No. 2
   New Modern Shahdra,
   New Delhi ... Respondents

Ms. Sanjana Madan, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

By way of this writ petition, the petitioner/complaint – Sri Arun Sharma prayed to issue a writ in the nature of mandamus to expedite the proceedings in Case No. 1837 of 204 Arun Sharma Vs Sunil Dutt Sharma under Section 138 Negotiable Instruments Act and Section 420 I.P.C. pending in the court of C.J.M., Dehradun.

2. Heard Ms. Sanjana Madan, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

3. The facts averred in the writ petition reveals that a complaint in this case was filed on 08.11.2004. The learned C.J.M., Dehradun vide order dated 30.07.2005 passed the order for summoning against the respondents No. 2 and 3 to

face the trial under Section 138 Negotiable Instruments Act and section 420 I.P.C. The order-sheet contained along with the writ petition shows that respondents No. 2 and 3 in pursuance of the notices issued by the learned C.J.M. appeared before the court in order to obtain their bail on 17.01.2006. The order-sheet further reveals that on 12.05.2006 the statement under Section 251 Cr.P.C. was recorded and thereafter the accused pleaded not guilty and claimed to be tried. The trial court has fixed 7th August, 2006 for the prosecution evidence.

4. On the basis of the perusal of the order-sheet contained along with the writ petition, I do not find anywhere in the record that any unnecessary delay is being caused in the proceedings which is pending before the trial court. I therefore, do not find any ground for interference in the proceedings at this stage.

5. The writ petitioner lacks merit and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed.

(B.C. Kandpal, J.)

03.08.2006
ASWAL